

PLANNING COMMISSION

Handouts

FEBRUARY 10, 2015

Citizens
Comm.

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SOUTH AUSTIN DEVELOPMENT

Provision could affect future subdivision projects

Residents opposing road connection say commission can stop it.

By James Barragan jbarragan@statesman.com

A battle over a subdivision proposal in a South Austin neighborhood has opened up a debate that could be crucial for future projects across the city.

The question is technical but important: Does the city's Planning Commission, which is made up of appointed citizens, have the authority to deny the connection of two streets in a subdivision if it does not feel it is the best option for the project?

With growing development in Austin and the city's push for connectivity, the answer could be a game changer that would affect other subdivisions where the city would like to link previously unconnected streets.

The connection of streets in a new subdivision is mandated by city code, but a rarely used section of the code presented by neighborhood residents seems to give the commission authority to deny that requirement. The city's legal staff has yet to make a formal ruling on the issue.

The debate began in October, when the commission approved the Lightsey 2 project after a heated meeting. The 31-unit development on a 4.83-acre lot will connect Lightsey Road and Aldwyche Drive, which is a dead end, and residents say it will increase safety concerns by adding significant vehicular traffic to their streets.

At the next commission meeting, those residents raised questions about how Section 25-4-151 of the city's land development code — which seems to grant the commission discretion over street connectivity in these cases — applied to the subdivision project.

Quoting the provision, they said it allowed the commission to "depart from the alignment or connection" of a street if it determines that "the comprehensive plan, topography, requirements of traffic circulation, or other considerations make it desirable."

That argument convinced commissioners to review approval of the project at their next meeting, in December.

But the question was so technical that the assistant city attorney for the case, Brent Lloyd, told the commission the city had never come across it. "We're not prepared to fully articulate what all the ramifications of that provision are," he said at the meeting.

The Lightsey 2 project was approved in October, a decision that was upheld in December, so the project is moving forward. But it is unclear how the interpretation of that section of the city code could affect it, or similar projects.

Representatives from the city did not answer specific questions from the American-Statesman about the issue and how, specifically, it applied to the Lightsey case.

The city has said that connecting the streets is necessary for emergency vehicle access to the planned subdivision and would help neighborhood residents by allowing them faster routes out of their neighborhoods. The Lightsey 2 project would also allow residents a new route to walk their children to the nearby elementary school and park, they said.

But from the beginning, neighbors have voiced their opposition, citing safety concerns that would come with the uptick in traffic. The developer, PSW, has said it will add traffic stops and sidewalks to the area, and would consider other traffic-calming devices to appease neighborhood groups.

The lack of clarity, even two months since the question was officially presented to the city's legal staff, is partly due to the ambiguity of the legal staff's answer.

The provision seemed to give the commission authority over connectivity, said Lloyd, the assistant city attorney, but there were still unanswered questions about its right to enforce it. What's more, the provision raised legal and administrative concerns for the city.

"I think we're going to have a conversation with our clients, with staff, to kind of figure out what this provision means and how, in practical terms, it would work," he said.

But, he added, those rules did not apply in the Lightsey 2 case because denying street connections would cause the project to violate requirements on how long a block should be.

"Your authority with respects to connectivity does not translate into authority to approve a plan that would violate block-length requirements," he said.

Even to the commission, the answer was confusing. Commissioner Stephen Oliver balked at the interpretation, saying the code gave the group that authority without qualifications.

"If that's the case, for me 25-4-151 is poorly written because it seems to me it suggests we have that authority, and I don't think we have that authority," he said. In the end, the project was upheld. Some neighbors said they felt let down.

"We believe that city legal muddled the water," said Bryan King, who lives next to the proposed project. "They should have said, 'We need more time.'"

City representatives said their staff will provide an answer to the question soon, possibly at the end of the month, "before the commission is confronted with the issue in future cases." A briefing on it is set for Tuesday at the Planning Commission meeting.

Until then, everyone involved is keeping a close eye on the outcome.

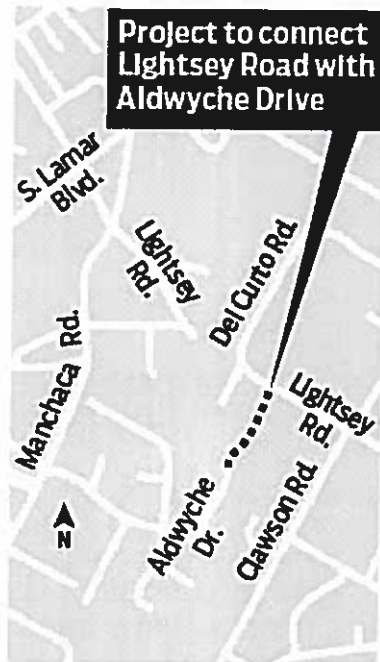
"If we don't have the authority, I think we need to change how that is written," Oliver said in December. "I don't want to beat this up over and over again."

Contact James Barragan at 512-445-3645.

Twitter: [@James_Barragan](https://twitter.com/James_Barragan)

The connectivity question

Street connections, like the one proposed on the Lightsey 2 project, could be impacted by the interpretation of a rarely used part of city code.



STEVE LOPEZ/STAFF

#3

Sunfield MUD

Planning Commission

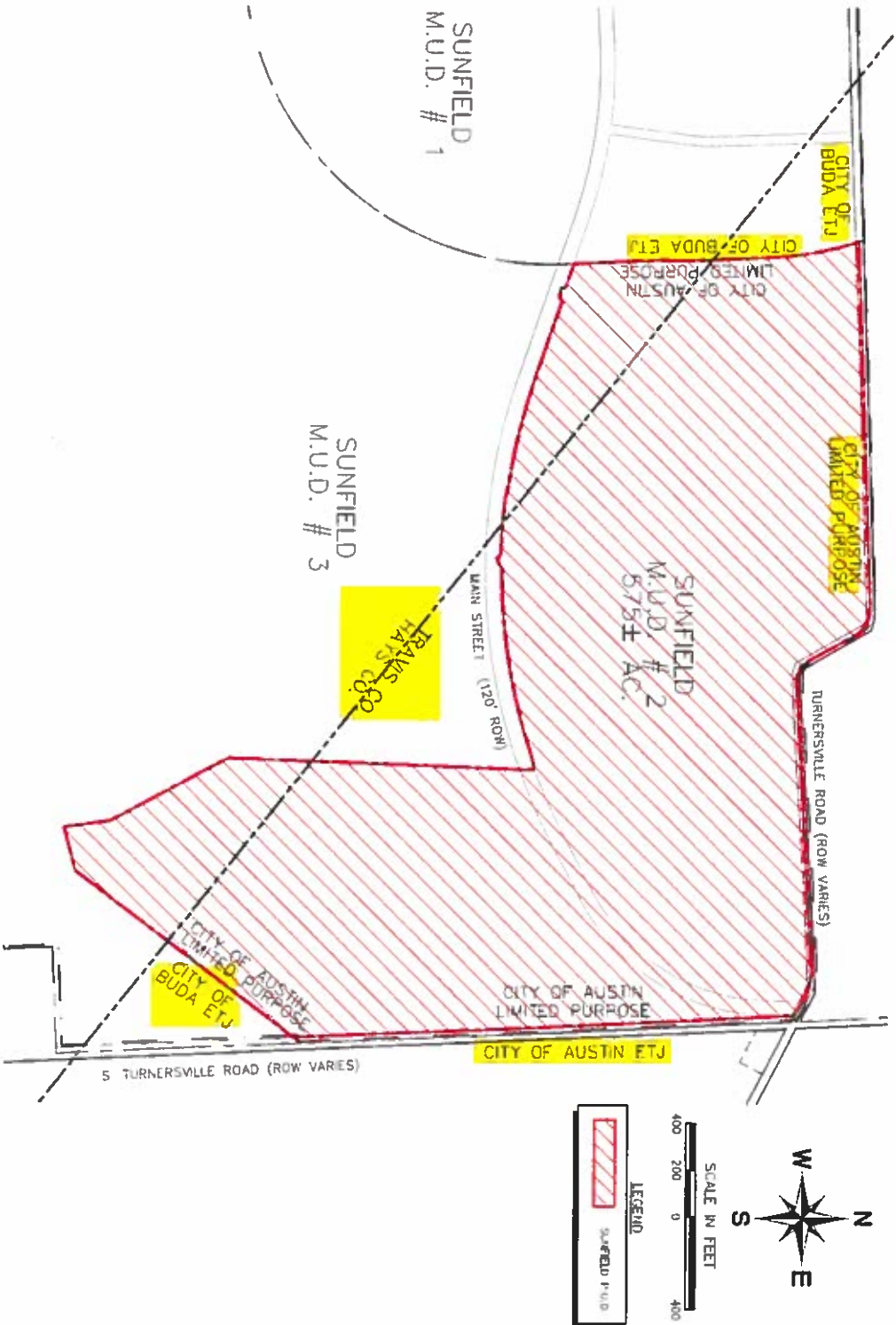
Item # 3

C12M-2014-0003

Location Map



Jurisdiction Map



The map displays the following details:

- Turnersville Road**: A major road running vertically along the right side of the map.
- Austin Avenue**: A road running horizontally across the middle of the map.
- FM 1007**: A road running diagonally from the bottom left towards the center.
- Land Use Zones**:
 - Yellow**: Residential areas, mostly located to the west of Austin Avenue.
 - Orange**: High Density Residential areas, located north of the central intersection.
 - Red**: Commercial/Industrial zones, primarily located east of Austin Avenue.
 - Green**: Research & Development/Commercial zones, scattered throughout the eastern half of the map.
- Parks and Recreation**: Several parks are labeled, including "Frank Lloyd Wright Park" and "Rec Center".
- Cities and Jurisdictions**: Labels indicate the "City of Austin Limited Purpose" and "City of Buda ETJ" boundaries.
- Other Features**: An "Austin Fire Station" is marked near the intersection of Austin Avenue and FM 1007. Various acreage numbers (e.g., 574 AC, 324 AC) are provided for specific parcels.



Sunfield MUD and PUD

- The Amendment to the MUD facilitates the PUD. It is the PUD which provides for the superiority.
- Here are a few examples of what we are doing through the PUD:

Transportation

- A. Previous Land Use Plan would generate 49,844 trips per day. All in-coming and all out-going.
- B. Proposed Land Use Plan would generate 29,442 trips per day (reduces the total trips per day by 20,442).
- C. Extension of Main St. will provide connectivity at no cost to the City of Austin, it will be built to current Travis County standards, and will provide 5' bike lanes and 6' sidewalks as recommended by the Transportation Criteria Manual. This portion of Main St. will be a three land section (with a center two-way-left-turn lane).
- D. The current Consent Agreement requires dedicating 1.5 acres for a fire station, but PUD offers dedicating 2.5 acres.

Environmental

A. The previous Land Use Plan has approximately 386 acres of impervious cover (research and development, office, retail, etc.).

B. Proposed Land Use Plan reducing impervious cover by 106.8 acres.

C. Trees:

1. Under the proposed Land Use Plan with residential uses, 2330 trees are required.
2. The PUD is providing for 3,500 trees within the single-family development.
2. The PUD is providing for approximately 670 trees within the multi-family development.
3. The PUD is providing for 150 trees along the trails outside of the parkland.
4. The PUD is providing for an undetermined amount of trees by treating each commercial development site as streetyard.

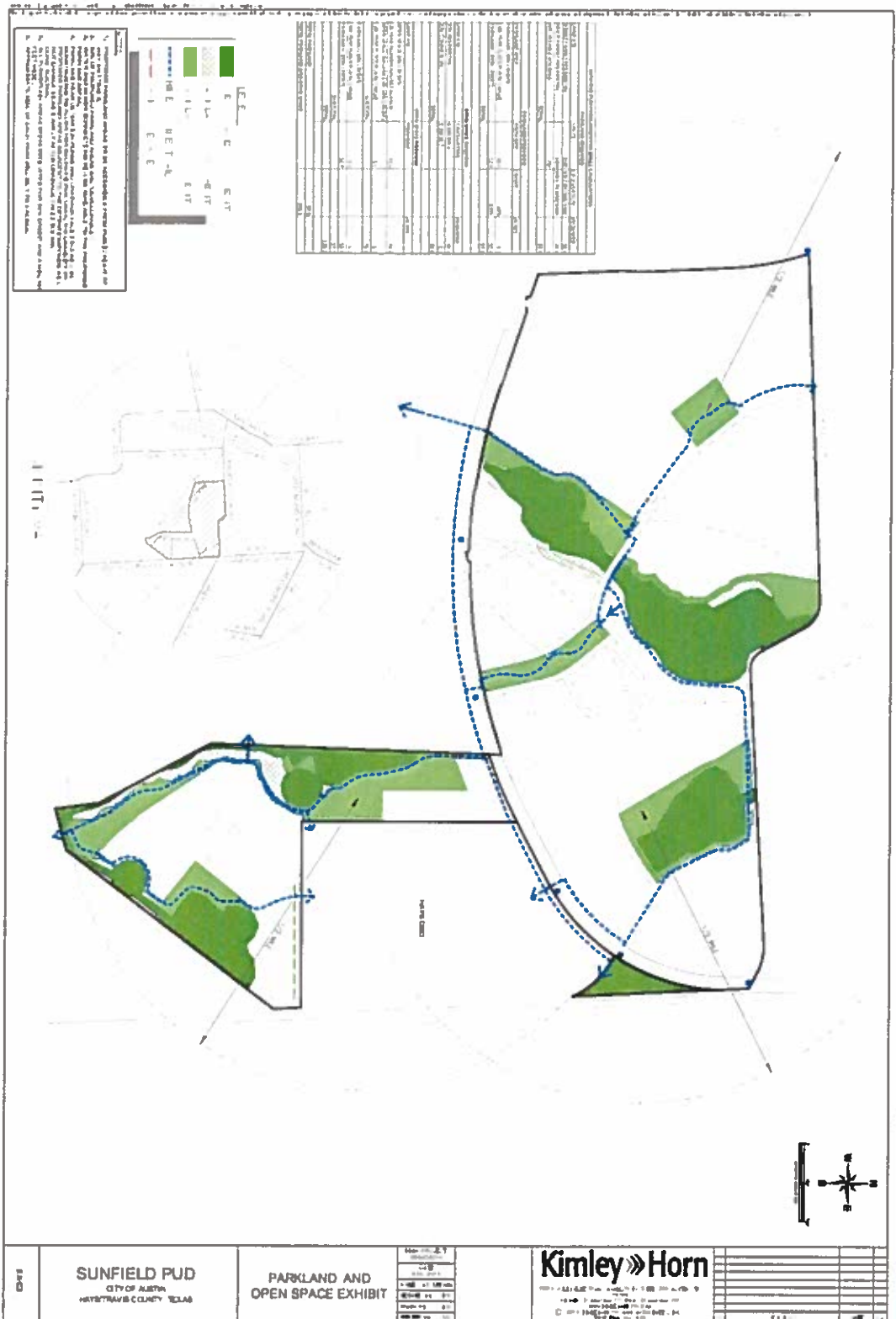
Environmental (cont.)

- D. Transforming and deepening the ponds to sustain habitat.
- E. We are going to assess the functionality of the degradation in the Critical Water Quality Zone and restore them in accordance with the Environmental Criteria Manual. The Applicant will prepare a Riparian Restoration Plan demonstrating the existing conditions and the restoration plan.

Parks and Open Space

- A. The PUD provides 136 acres of open space; only 36.6 acres required.
- B. The PUD is proposing 57 acres of developable parkland; only 29 acres required.
- C. The PUD is proposing 4.5 miles of 10-foot wide low-maintenance trails with inner-connectivity with existing development to the south.
- D. All residences will be within $\frac{1}{4}$ - $\frac{1}{2}$ mile of parks.
- E. Connectivity of trail and park system throughout the project and to the school.
- F. Prior to full purpose annexation, parks, open space, and trails will be maintained by the HOA. After full purpose annexation they will be maintained by a limited district. All parks will be public.

Parkland and Open Space



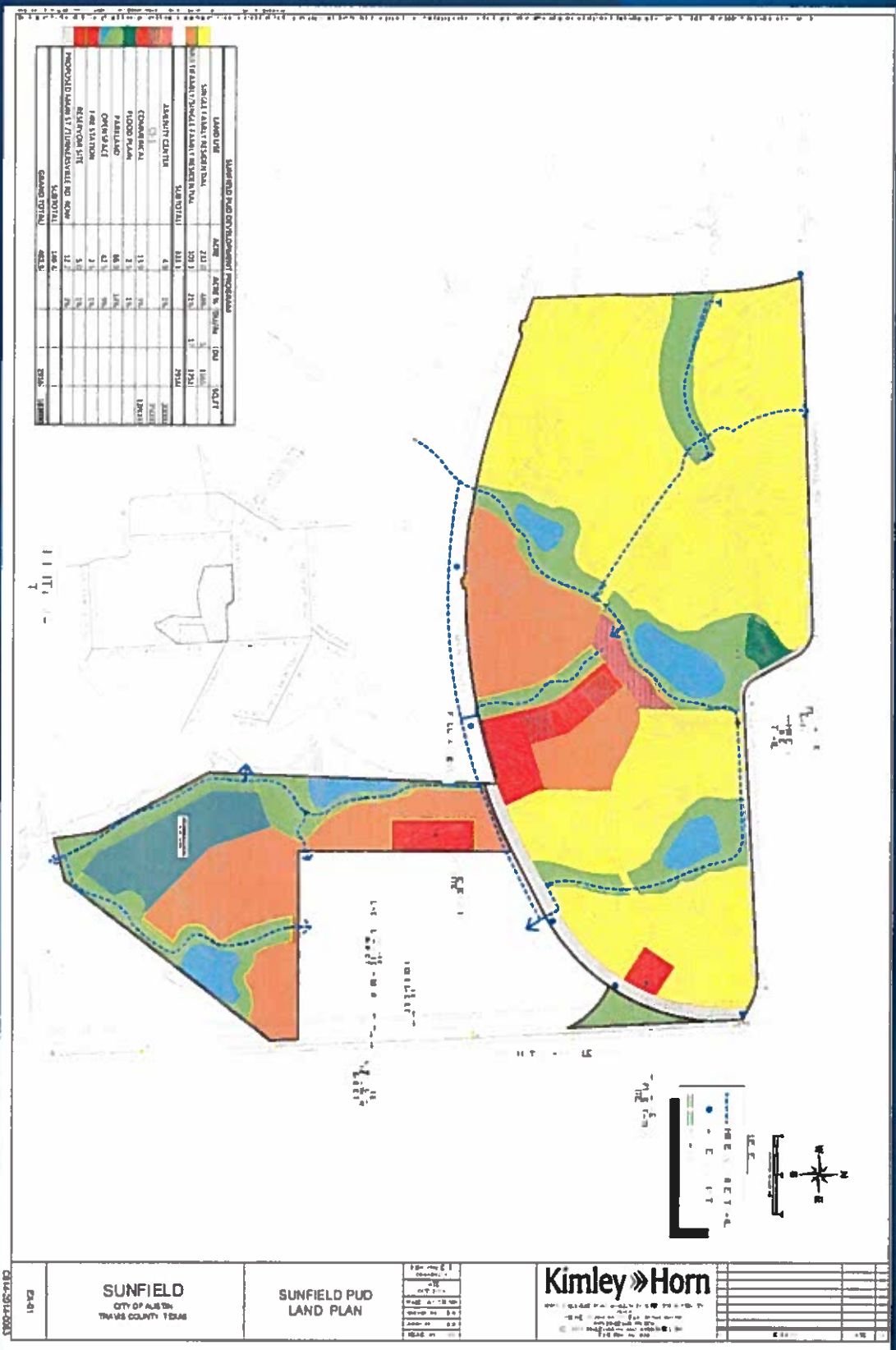
Water and Wastewater

- A. The current Consent Agreement does not allow the City of Austin to be the retail provider for water.
- B. Under the existing MUD, the MUD is the owner of the CCN.
- C. The PUD allows the City of Austin to be the retail provider of water.
- D. The PUD is providing water infrastructure which will be conveyed to the city at no cost to the city.
- E. The PUD is dedicating a site to Austin Water Utility for above ground storage.
- F. The PUD proposes collecting and re-using reclaimed water onsite for use on areas outside of the Critical Water Quality Zone and CEF buffers.

Affordable Housing

- A. Designate the 18 (net) acres shown on the attached exhibit for affordable housing.
- B. Deed restrict the use of the property to affordable housing, multi-family and/or single-family.
- C. For occupants that are at 60% of MFI.
- D. Construct, at the time of the construction of the adjacent Hays School District High School, water, wastewater and roadway to the 18 acre tract.

Affordable Housing (cont.)



HUSCH BLACKWELL

111 Congress Avenue, Suite 1400
Austin, Texas 78701
512.472.5456

C-4

Nikelle S. Meade
Partner
512.479.1147 direct
512.226.7373 direct fax
nikelle.meade@huschblackwell.com

February 10, 2015

VIA EMAIL – Sherri.Sirwaitis@austintexas.gov

Sherri Sirwaitis
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

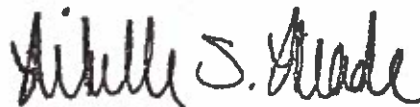
RE: Postponement Request for Planning Commission (4500 Speedway; Case No. C14-2014-0111)

Dear Ms. Sirwaitis:

On behalf of Navid Hoomanrad, the applicant in the above-referenced zoning case, I respectfully request that the Planning Commission's hearing on this item be postponed from the February 10th meeting to the February 24th meeting. At the January 8th Hyde Park Neighborhood Association Development Review Committee meeting, the neighborhood asked about the feasibility of multifamily zoning on the site. The applicant is currently working with his architect and engineer to determine whether multifamily zoning is a viable option for this site and if so, whether or not to amend his zoning application. We are requesting a postponement in order to allow time for Mr. Hoomanrad to complete his feasibility analysis of multifamily zoning for the property.

Thank you for your consideration of this request, and please contact me if you need any additional information.

Sincerely,



Nikelle S. Meade

Del Curto Rezoning – C14-2014-0165

Agreement of conditions between Applicant and South Lamar Neighborhood Association

- 1) Rezone property from SF-3 to SF-6.
- 2) Limit development to maximum of 15 units.
- 3) South Lamar Mitigation Plan from Resolution 20141211-200 remains in perpetual effect for the redevelopment of the property.
- 4) Parking standards are as follows:
 - a) Required parking is calculated at 0.5 spaces above minimum code requirements for every unit.
 - b) For impervious cover between 48% and 53%, extra on-site parking is required at 1 space for every 1% increase in impervious cover beyond 48%.
 - c) For impervious cover between 53% and 55%, extra on-site parking is required at 1.5 spaces for every 1% increase in impervious cover.
 - d) Tandem parking spaces are not allowed to be counted as required parking.
- 5) The northern ½ of the property is limited to a maximum height of 32' and 2-stories.

C6

ORDINANCE NO. 20141211-200

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-7 TO ADOPT INTERIM DRAINAGE REGULATIONS FOR PORTIONS OF THE SOUTH LAMAR NEIGHBORHOOD PLANNING AREA; WAIVING CITY CODE SECTION 25-1-502(C); AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council makes the following findings:

1. Recent increases in residential development, coupled with undersized, collapsed, and nonexistent stormwater infrastructure, has exacerbated flooding within the residential area bounded by Oltorf to the north, the Union Pacific railroad to the east, Highway 290/Ben White Boulevard to the south, and South Lamar/Manchaca Road to the west.
2. The geography and development history of this area, often referred to as the South Lamar Neighborhood, creates a unique set of challenges. Current development regulations and stormwater infrastructure are insufficient to prevent drainage systems from exceeding capacity or to address stormwater issues associated with infill development.
3. Section 11.086 of the Texas Water Code generally prohibits diverting or impounding surface waters in a manner that damages the property of another through overflow.
4. The interim development regulations adopted by this ordinance help to ensure greater compliance with state law and to protect the health, safety, and welfare of South Lamar residents by limiting development that would further overburden existing stormwater infrastructure.
5. Consistent with past resolutions and executive actions, including approval Resolution No. 20141120-102 adopting the South Lamar Neighborhood Mitigation Plan, the City of Austin remains committed to finding more permanent solutions to these challenges through improved stormwater infrastructure and appropriate regulations for redevelopment. The regulations adopted by this ordinance are intended as interim measure, until these more permanent solutions are in place.

PART 2. City Code Chapter 25-7, Article 3 (*Requirements for Approval*) is amended to add a new Section 25-7-66 to read as follows:

- (a) the construction plans for subdivision infrastructure must include a concept plan identifying building footprints and the location of sidewalks and driveways for each lot within the subdivision; and
 - (b) a grading plan for each lot, consistent with the subdivision construction plans, if applicable, must be provided at the time of development and building permit review.
- (D) The requirements of this section do not:
 - (1) affect implementation of the Regional Stormwater Management Program, as prescribed by the Drainage Criteria Manual; or
 - (2) prohibit the director from waiving detention requirements, as prescribed in the Drainage Criteria Manual, if an applicant provides offsite improvements that result in an overall improvement of flooding conditions within the affected watershed.

PART 3. The City Manager is directed to adopt administrative rules that are determined to be necessary for implementation of this ordinance. The requirements of this ordinance control in the event of a conflict with the Drainage Criteria Manual, including but not limited to § 1.2.2(G), the Environmental Criteria Manual, or other administrative rules.

PART 4. The City Council waives the requirement for Planning Commission review of this ordinance under City Code Section 25-1-502(C) (*Amendment; Review*).

PART 5. On or before October 15, 2015, the City Manager is directed to provide a report to the City Council on progress made in implementing the South Lamar Neighborhood Mitigation Plan, as directed by Resolution No. 20141120-102, and a recommendation for Council action on the interim regulations adopted by this ordinance.

PART 6. Based on the recitals in Part 1 of this ordinance, the City Council finds that flooding impacts resulting from development in the South Lamar Neighborhood constitute an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PART 7. This ordinance expires on December 11, 2015.

C.9

Limon, Sylvia

From: Anguiano, Dora
Sent: Tuesday, February 10, 2015 2:44 PM
To: Alfonso Hernandez; Brian Roark; Chimenti, Danette - BC; Hatfield, Richard - BC; Hernandez, Alfonso - BC; Jack, Jeff - BC; Lazarus, Howard; Nortey, James - BC; Nuria Zaragoza; Oliver, Stephen - BC; Richard Hatfield; Roark, Brian - BC; Stephen Oliver; Stevens, Jean - BC; Varghese, Lesley - BC; Zaragoza, Nuria - BC
Cc: Limon, Sylvia
Subject: FW: Support for Item #C9 (Byrne Subdivision)

From: Robert Reeves [REDACTED]
Sent: Tuesday, February 10, 2015 2:23 PM
To: Anguiano, Dora
Cc: [REDACTED]
Subject: Support for Item #C9 (Byrne Subdivision)

This message is from Robert Reeves. [REDACTED]

Dora, I hope you are doing well. My wife, Maia, son, Rex, and I live at 1000 Alta Vista Avenue. We are across the street from the proposed Byrne subdivision. We are in full and total support of the subdivision.

Unfortunately, due to a prior commitment, I will be unable to attend the meeting this evening. Please consider this support with the full weight of an impacted neighbor. If you have any questions, please do not hesitate to contact me. Thank you! Robert Reeves 1000 Alta Vista 512 422 2443

Street address:

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

For additional information on the City of Austin's land development process, visit our web site: <http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2014-0100.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Castillas, 512-974-3437
Public Hearing: Feb 10, 2015, Planning Commission

TOMMY & VICKY KOSAREK

Your Name (please print)

811 E. RIVERSIDE DR.

Your address(es) affected by this application

[Signature] *Wahy Kosarek* 1-31-15

Signature

Date

Daytime Telephone: 512 447 6042

Comments:

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Department / 4th Fl
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810